

**U.S. ARMY CORPS OF ENGINEERS
Wilmington District
P.O. Box 1890
Wilmington, NC 28402-1890**

Noremac Energy, Inc.
Action ID No. 200400116

June 7, 2004

PUBLIC NOTICE

Applicant and Property Background. The applicant is Noremac Energy, Inc., 3504 Saint Frances Drive, Wilmington, NC 28409. The applicant has submitted an application (USACE File No. 200400116) for Department of the Army individual permit to deposit fill in 13.1 acres of wetland located along Blackwell Road, Leland, Brunswick County, North Carolina. The site is located between Blackwell Road and the junction of U.S. 17 and U.S. 74/76. The purpose of the project is to construct a 19.38-acre truck stop.

The project site is one of several undeveloped parcels in a roughly oval tract that is surrounded by roads (US 74/76 and Blackwell Road). The parcel owned by the applicant is 64.83 acres. The site consists of 6.44 acres of upland with the remainder of the parcel being wetland.

The applicant has conducted a background analysis for truck stops and has determined that the industry standard for state-of-the-art truck stops indicates that the optimal facility size is about 20 acres. In addition, the applicant has performed an alternatives analysis and has determined that the chosen site is the best available site in the vicinity.

The wetland is a palustrine system dominated by trees such as red maple, sweet and black gums, sweet and red bays, and pond pine. Dominant subcanopy species are ericaceous shrubs such as fetterbush and gall berry. The wetland receives water from the water table, precipitation, and surface runoff. The wetland discharges offsite through a culvert that runs beneath Blackwell Road.

Project Description. The proposed project consists of the deposition of fill in 13.1 acres of wetland on site. The 6.44 acres of upland would be also be used to construct the facility. The truck stop would include infrastructure such as building pad, parking lots, stormwater treatment system, and access roads. The site layout and project impacts are shown in the accompanying maps and drawings (5 sheets).

Mitigation. To offset the adverse impacts of the proposed wetland impacts, the applicant proposes to place the remaining wetlands on site (approximately 45 acres) under a conservation easement. In addition, the applicant proposes to offset the direct loss of 13.1 acres of wetland by performing additional compensatory mitigation off site. The applicant has identified a 35.3-acre site near the City of Northwest for possible mitigation credit. The site is located on the north side of Hwy 74/76 just east of Northwest Road. The site is 9.5 miles north the truck stop site and is located within the Cape Fear River Basin. The property consists of 18.6 acres of loblolly pine--

wiregrass uplands and 16.7 acres of wetland. The wetland is a natural drain composed of a hardwood-pine canopy and ericaceous shrub subcanopy. The wetlands appear to drain the site toward Rattlesnake Branch of the Cape Fear River. The applicant proposes to scrape sediments from 13.1 acres of the upland to create wetland to replace the acreage lost for the truck stop. The sediments from the creation area would be used to fill the wetlands at the truck stop. The created wetlands would be monitored and maintained for success. Upon completion of the wetland creation, the entire site would be conserved via a conservation easement. Construction drawings for the wetland creation area are not on file at this time and will soon be submitted by the applicant.

Interagency Coordination. This proposal will be reviewed by North Carolina regulatory agencies to determine whether state authorizations are needed such as—

- a. Issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the North Carolina Division of Water Quality (NCDWQ).
- b. Issuance of a permit to dredge or fill under North Carolina General Statute 113-229 by the North Carolina Division of Coastal Management (NCDCM).
- c. Issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the North Carolina Division of Coastal Management (NCDCM) or their delegates.
- d. Issuance of an easement to fill or otherwise occupy state-owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.
- e. Approval of an Erosion and Sedimentation control Plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 a-50-66).

Review Criteria. The Army Corps of Engineers will not issue a permit until a coordinated state review of this project has been performed and until the North Carolina Division of Water Quality has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered for approval pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request that a public hearing be held in connection with this application. Requests for public hearing must be submitted in writing to this office within the comment period specified in this notice and must include an outline of the requester's reasons for why the Corps should hold a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places and has determined that the proposed sites are not registered properties or properties that are eligible for inclusion in the Register.

The District Engineer consulted the NC Natural Heritage Program website on June 1, 2004, and has determined that the project is not likely to adversely affect species designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The District Engineer has determined that the proposed project would not adversely affect Essential Fish Habitat or associated fisheries managed by the South Atlantic or Mid-Atlantic Fishery Management Councils or by the National Marine Fisheries Service (50 CFR Part 600).

The decision on whether to issue a permit will be based on an evaluation of the project's intended use and its probable direct and cumulative impacts on the public interest. Public interest review requires careful weighing of factors relevant to each case. Benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. A decision on whether to authorize a proposal, and the conditions under which it would occur, is therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. Among the factors considered are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and quality, conservation, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and the general needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not meet the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the criteria outlined in the preceding sentence and to any other applicable guidelines, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest to do so.

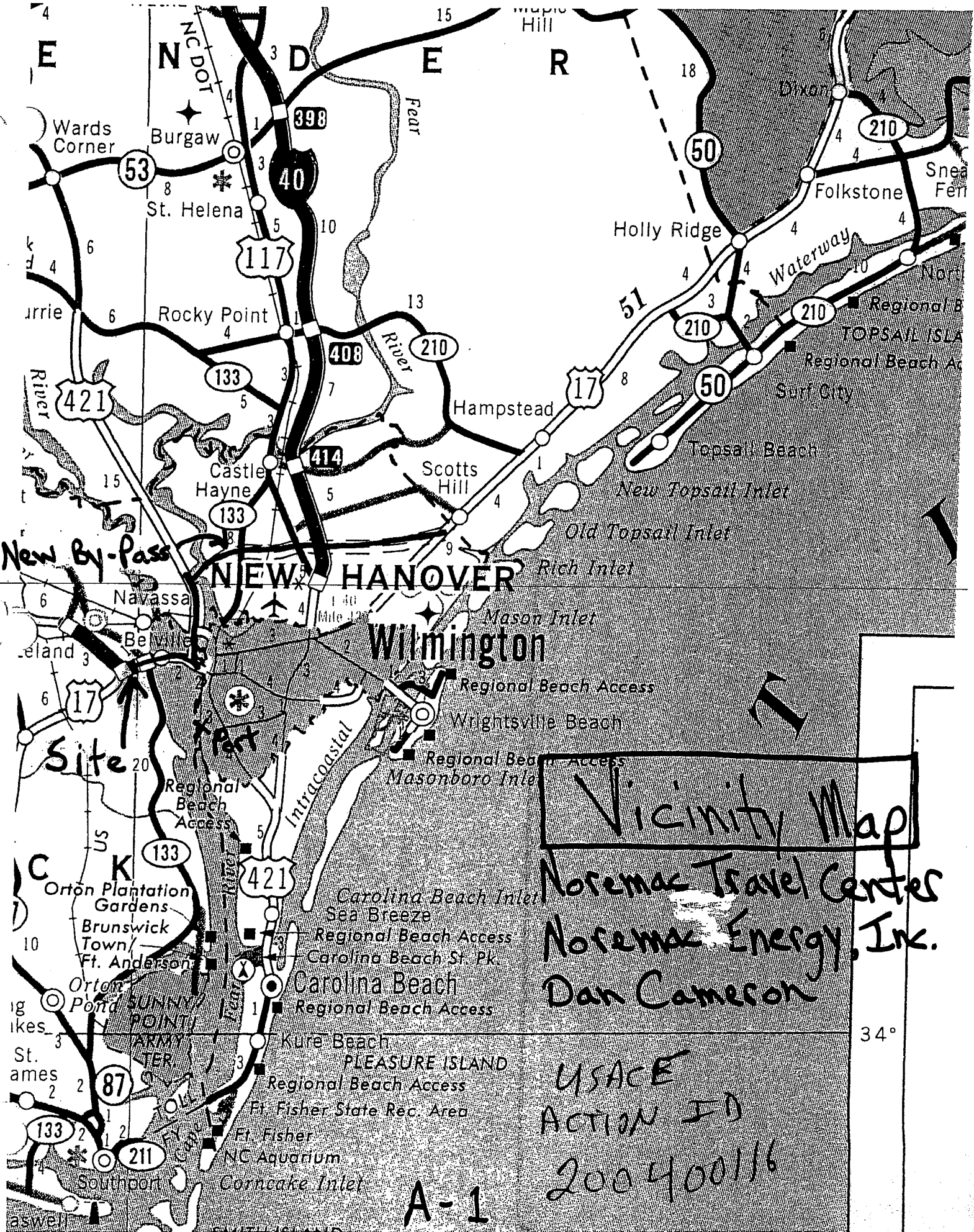
To evaluate the impacts of this proposed project, the Corps of Engineers is soliciting comments from the general public, from Indian tribes, and from officials from Federal, state, and local agencies. Any comments received will be considered by the Corps of Engineers in order to determine whether to issue, modify, condition, or deny a permit for this proposal. Comments are used in the preparation of an Environmental Assessment or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing or to determine whether the overall public interest would be served by the proposed activity.

Generally, the decision on whether to issue a Department of the Army permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives state certification required by section 401 of the Clean Water Act. The NCDWQ considers whether a

proposed activity will comply with sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for a Department of the Army permit serve as application to the NCDWQ for certification.

Additional information regarding water quality certification may be reviewed at the offices of the NCDWQ, Water Quality Section, 1617 Mail Service Center, Raleigh, NC 27699-1617. Copies of such materials will be furnished to anyone requesting copies and upon payment of reproduction costs.

Comments regarding this application should be submitted in writing to the District Engineer at the above address within 30 days from the date of this notice. If you have questions concerning this application, contact **Thomas Farrell** of this office, telephone (910) 251-4466.



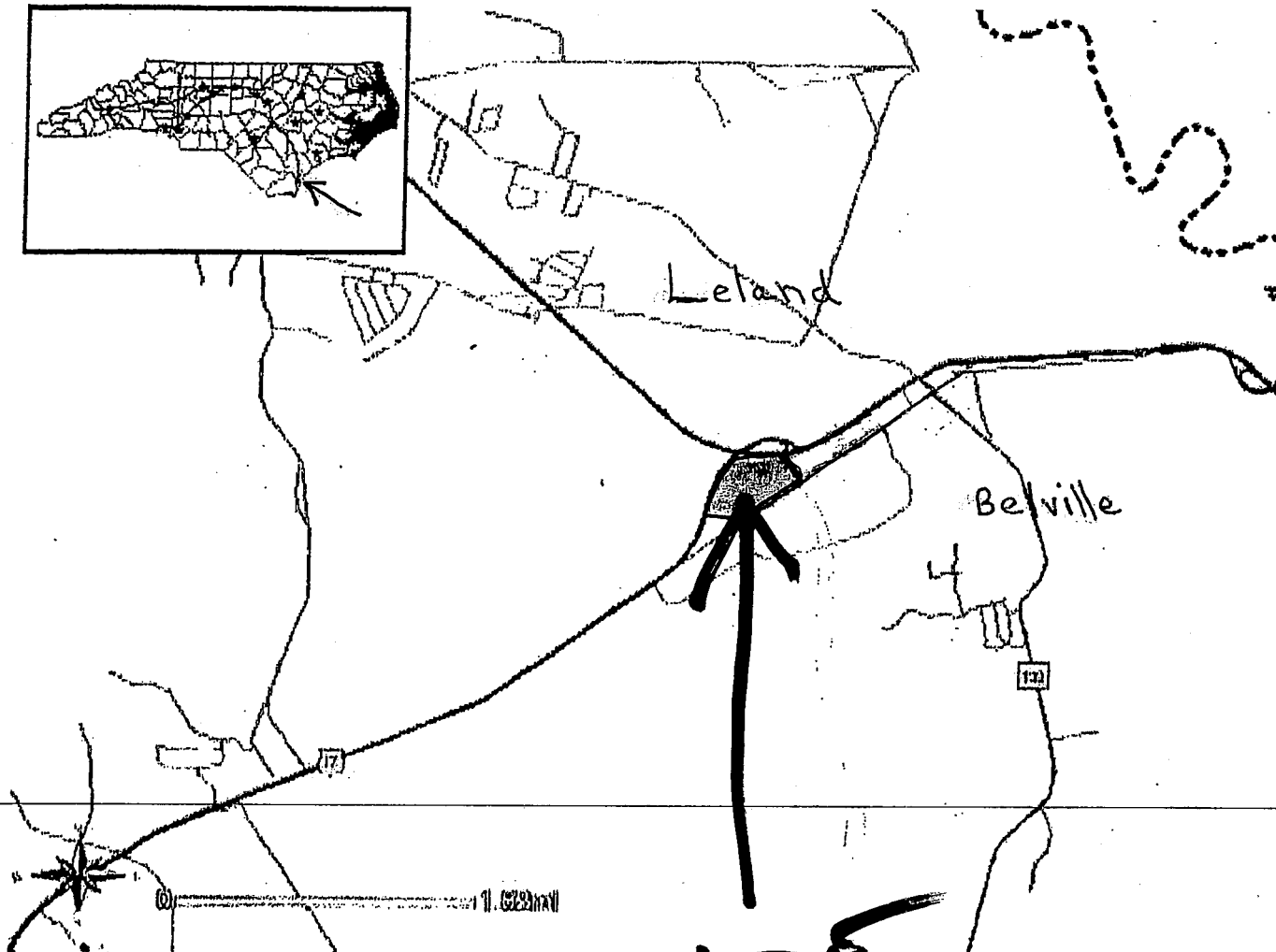
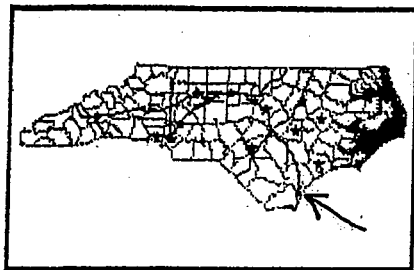
Vicinity Map

Noremac Travel Center
Noremac Energy, Inc.
Dan Cameron

USACE
ACTION ID
200400116

A-1

SHEET 1



USACE
ACTION ID
200400116

SITE
OF
TRUCK STOP

Vicinity Map

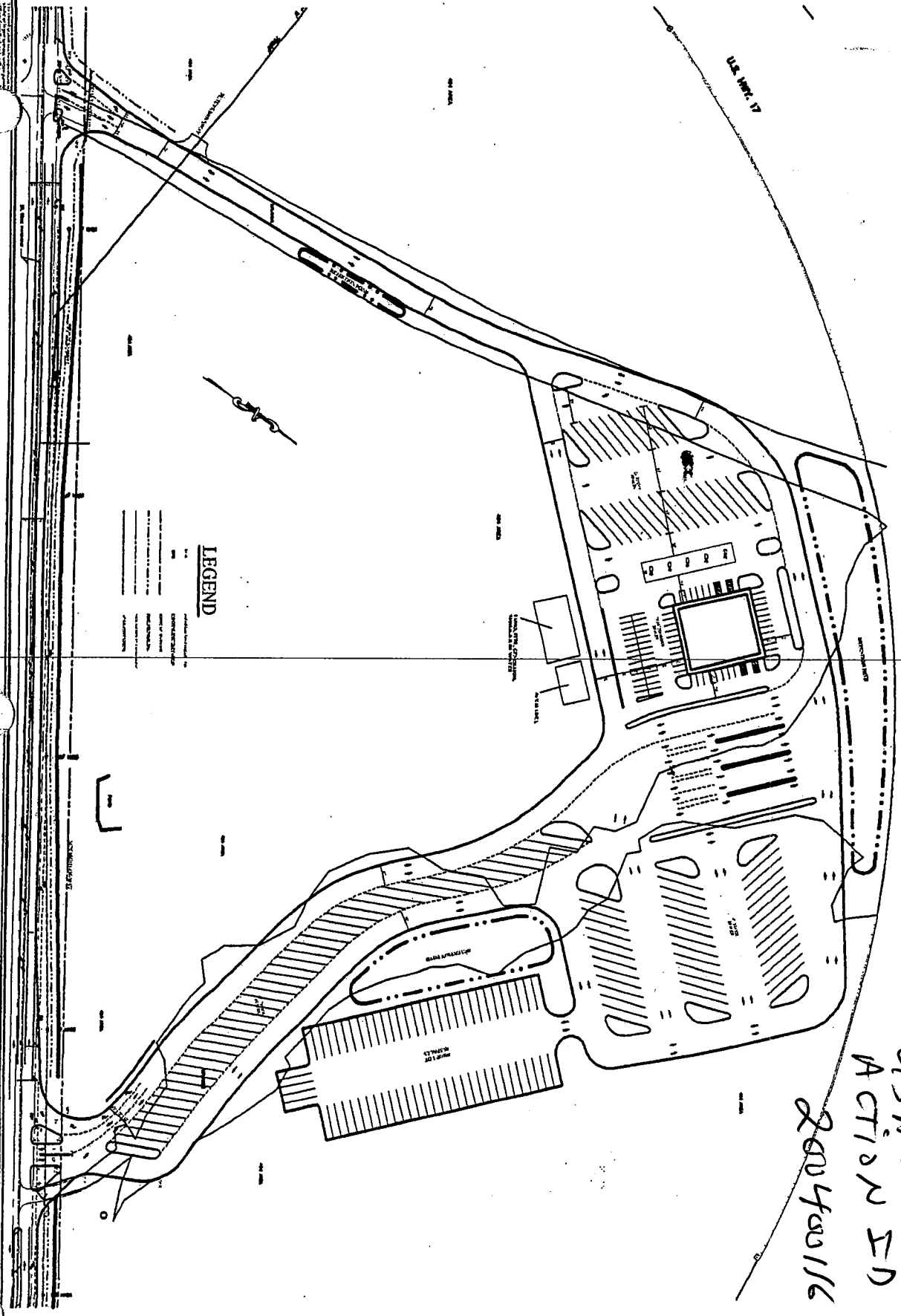
Noremax Travel Center
Noremax Energy, Inc.

A-3

SHEET 2

Plan View - Truck stop

USACE
ACTION ID
200400116



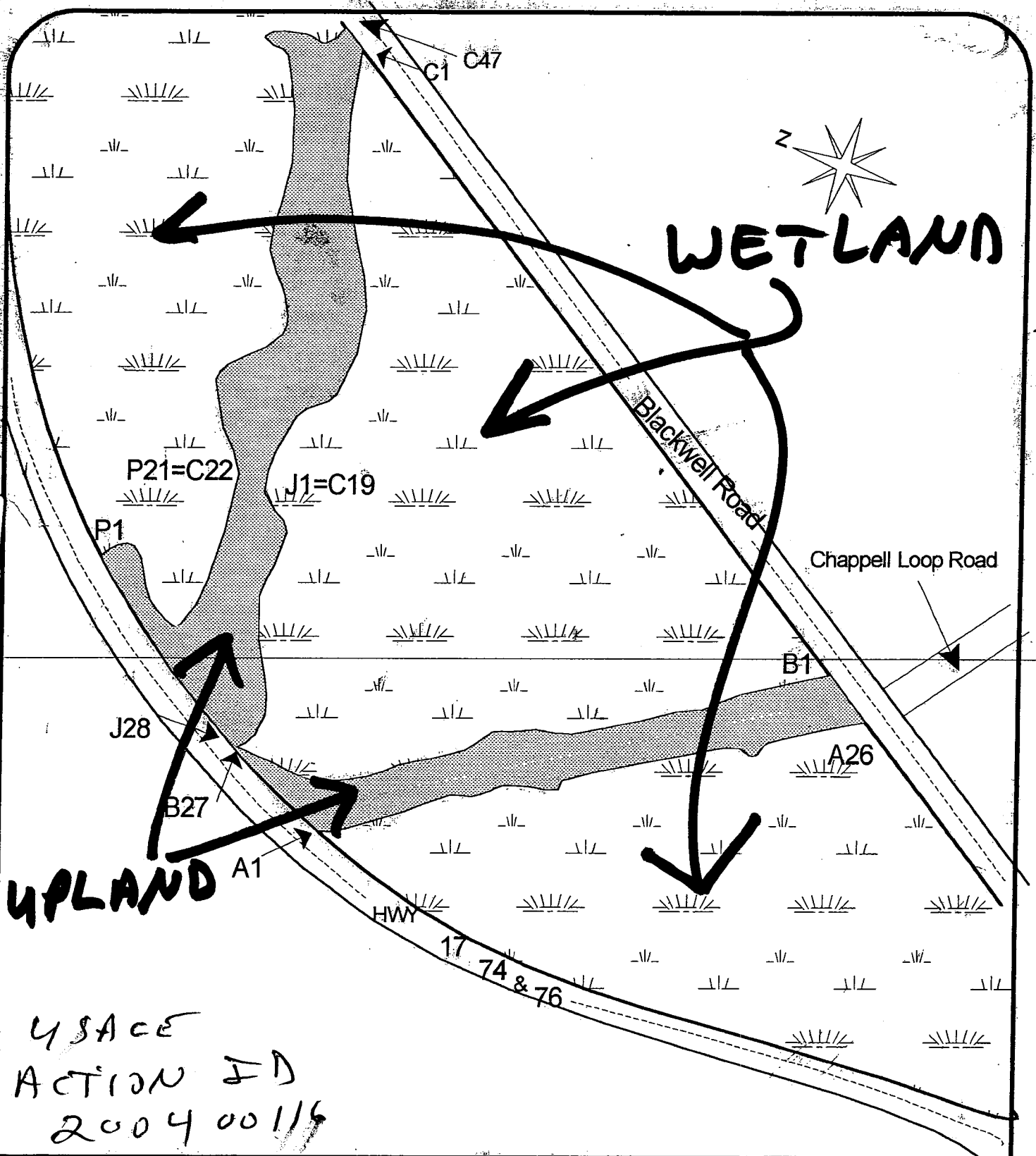
LEGEND

Symbol	Description
---	Property Line
---	Easement
---	Proposed Structure
---	Proposed Parking
---	Proposed Driveway
---	Proposed Access Road
---	Proposed Utility Line
---	Proposed Fencing
---	Proposed Landscaping

PRELIMINARY SITE PLAN
for
NOREMAC TRAVEL CENTER
RHE.VILLE, NORTH CAROLINA



EAST COAST ENGINEERING
COMPANY, P.A.
Shallow, North Carolina 28459
401R Main Street - P.O. Box 2469
910.734.8029



USACE
ACTION ID
200400116

Not to Scale

Date: 1-8-04

Project #: W03-37

Drawn By: Jennifer Burbank

WETLAND DELINEATION

For
Dan Cameron
Blackwell Road Site
Brunswick County, NC



Mitchell and Associates, Inc.
3973 B Market Street
Wilmington, North Carolina 28403
Office (910) 254-0602 Fax (910) 254-0603

SHEET 4

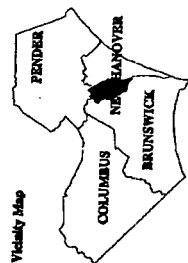
HU 03030005040010

Legend

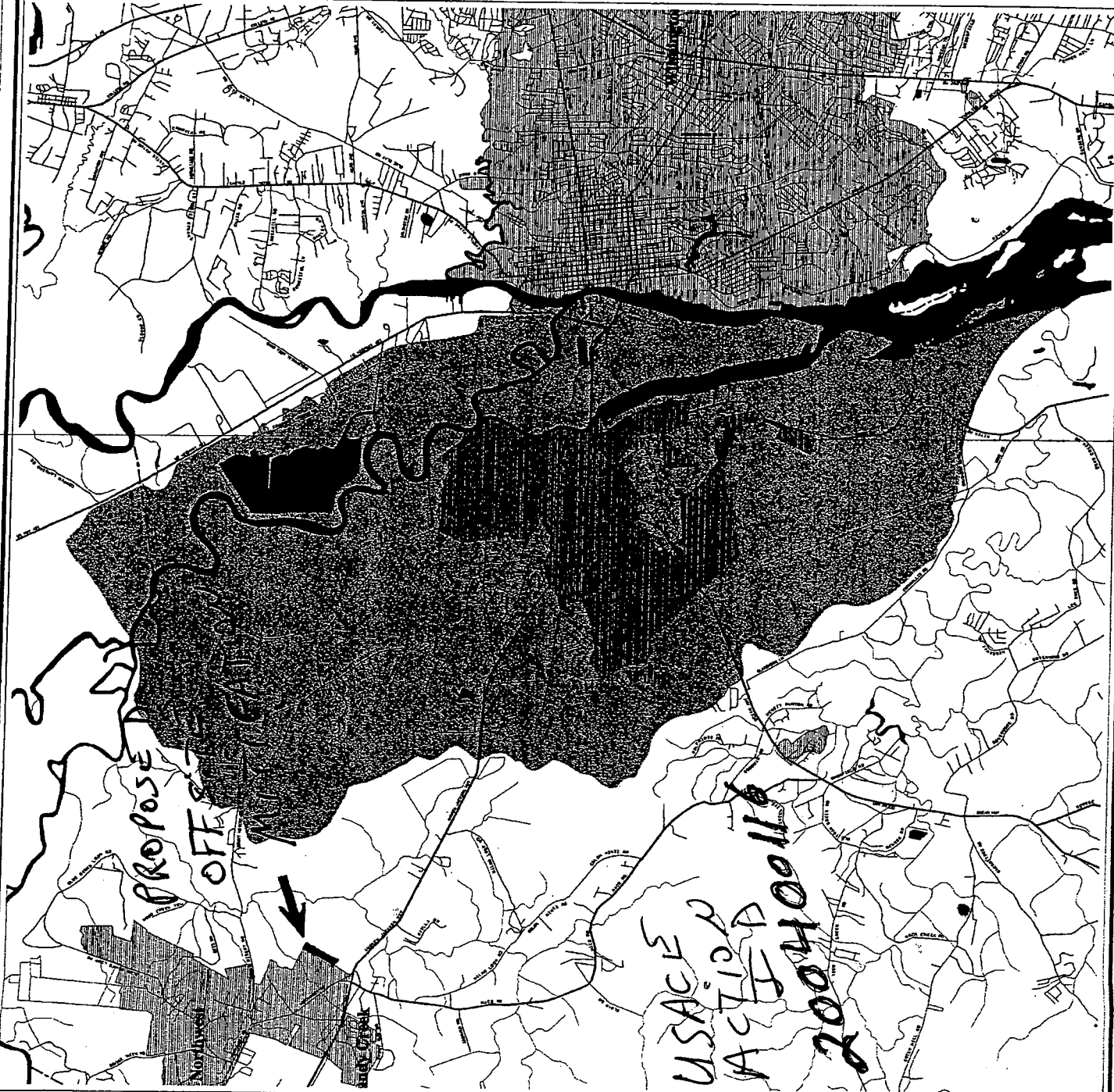
- Hydrologic Unit
- Municipality
- Road
- Highway
- Hydrography
- County Boundary
- State Boundary



North Carolina State Plane Coordinate System



Map Prepared January 2004 by the
N.C. Center for Geographic Information & Analysis
341 N. Wilmington St., Raleigh, N.C. 27601 • 919-733-2899



USACE
ACTION
200400116

SHEET 5

PROPOSED OFFSITE MITIGATION